

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

DOCINA RENE ESPINO, )  
 ) CASE NO. C12-0967-RSL-MAT  
Plaintiff, )  
 )  
v. )  
 ) ORDER OF REMAND  
MICHAEL J. ASTRUE, )  
Commissioner of Social Security, )  
 )  
Defendant. )  
\_\_\_\_\_ )

The parties agree that this matter should be reversed and remanded pursuant to sentence six of 42 U.S.C. § 405(g) for further administrative proceedings. (Dkts. 11 and 12.) It is therefore ORDERED:

- (1) The Court adopts the Report and Recommendation;
- (2) The Court REVERSES and REMANDS this matter for further administrative proceeding pursuant to sentence six of 42 U.S.C. § 405(g);
- (3) On remand, the Commissioner and Appeals Council will expedite the case and have **sixty (60) days** to continue to search for the missing recording and to file an answer in this Court upon location of those records. If the recording cannot be located, the Appeals Council, within that same **sixty-day period**, will remand

01 the case for a *de novo* hearing to be held within **120 days** of the date of the  
02 Appeals Council's remand order;

03 (4) The Court will retain jurisdiction over the action pending further administrative  
04 proceedings. If the outcome of a *de novo* hearing is unfavorable to plaintiff,  
05 defendant will move to reinstate the case so that plaintiff need not file a new  
06 complaint in order to obtain judicial review; and

07 (5) The Clerk shall direct copies of this Order to all counsel and to Judge Theiler.

08 DATED this 23rd day of January, 2013.

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12 Robert S. Lasnik  
13 United States District Judge  
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